IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Crl.Rev.Pet.No. 130 of 1998(A)

CC.96/1992 of JUDL.MAGISTRATE OF FIRST CLASS, KAYAMKULAM
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REVN. PETITIONER - P.W.2:

K. RAVIKUMAR, KOLLAKASSERIL,
CHERAVALLY MURI, KAYAMKULAM VILLAGE.

BY ADV. SRI.K.K.JOHN

RESPONDENTS - ACCUSED & STATE:
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1. SUDHAKARA KURI, THARAYIL VEEDU,
PERINGALA, MAVELIKKARA.

2. HARIKRISHNAN, MANISADANAM, DO. DO.

3. VISWANATHA PILLAI, KADUKINATHIKIZHAKKETHIL, DO.

4. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.B.RAMAN PILLAI
SRI.S.VIJAYAKUMAR
BY PUBLIC PROSECUTOR SHRI MOHAMED PUZHAKKARA R4

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 130 OF 1998

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Dated this the 16th day of January, 2007

O R D E R

De-facto Complainant, who was examined as P.W.2 in C.C. No.96 of 1992 on the file of the Judicial First Class Magistrate, Kayamkulam, is the revision petitioner. Based on a first information statement given by petitioner, police registered a case against respondents 1 to 3 alleging that they committed an offence punishable under Sections 324 and 325 read with 34 IPC. It was alleged that while P.W.2 was walking along the road near the shop room of one Muhammedkunju on the side of Mavelikara - Kuttithieruvu public road, accused caught hold of him. It was alleged that first accused kicked on the back of P.W.2 causing pain and fisted on his nose causing fracture of nasal bone. It was further alleged that second accused slapped on his both cheeks and third accused kicked him. He fell down and sustained abrasions on his left knee.

2. P.W.1 is stated to be an eye witness. He turned hostile and did not support the prosecution case. P.W.2 is the injured. He is the first informant also. He was an Advocate Clerk

under P.W.3, who is an Advocate practising at Mavelikara court. P.W.3 is not an eye witnesses. After considering the answers given by P.W.2 during cross-examination, learned Magistrate took the view that it is not safe to convict the accused based on the uncorroborated testimony of P.W.2 alone. Prosecution relied on the evidence of P.W.3 and P.W.4, who was stated to be another eye witness. The evidence of P.W.4 was also disbelieved by the learned Magistrate assigning cogent reasons. In the circumstances, I do not find any scope for interference with the order passed by the learned Magistrate as the learned Magistrate chosen to disbelieve the evidence of P.Ws.2 and 4. There is no infirmity or illegality also committed by the learned Magistrate. No grounds are made out to interfere with the order passed by the learned Magistrate.

In the result, Criminal Revision Petition is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 130 OF 1998

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O R D E R

16TH JANUARY, 2007